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Dated: November 16, 2004

Signature: 

(Jeffrey S. Sharp)

Docket No.: 28911/34561  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

**Jeffrey K. HORTON**

Application No.: 09/027,654

Art Unit: 1641

Filed: February 23, 1998

Examiner: Gailene Gabel

For: IN-SITU CELL EXTRACTION  
AND ASSAY METHOD

**RULE 312 AMENDMENT AFTER ALLOWANCE**

MS ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

The following Amendment is made to correct a typographical error regarding Claim 9 as presented in the Amendment filed June 9, 2004. Specifically, Claim 9 which has never been amended was erroneously given the text of original Claim 8, which has also never been amended.

A corrected version of the current claims including the Examiner's amendments of August 23, 2004 is submitted below.

**A current listing of claims begins on Page 2 of this paper.**



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PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This

1

Application Number

09/027,654

Filing Date

February 23, 1998

First Named Inventor

Jeffrey K. Horton

Art Unit

1641

Examiner Name

Gailene Gabel

Attorney Docket

28911/34561

### ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ Amendment/Reply

☒ After ALLOWANCE

☐ Affidavits/declaration

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application  
☐ Power of Attorney, Revocation  
☐ Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of \_\_\_\_\_

☐ After Allowance communication

☐ Appeal Communication to Board of Appeals and Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☐ Other Enclosure(s) (please Identify below):

Remarks

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

MARSHALL, GERSTEIN & BORUN LLP  
Jeffrey S. Sharp - 31,879

Signature

Date

November 16, 2004

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Jeffrey S. Sharp